

Staff Summary Report



Hearing Officer Hearing Date: June 5, 2007

Agenda Item Number: 3

SUBJECT: This is a public hearing for a request by the **ENVIRONMENTAL RECYCLING (PL070116)** located at 1803 East Rio Salado Parkway for one (1) use permit.

DOCUMENT NAME: 20070605dssd01

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by **ENVIRONMENTAL RECYCLING (PL070116)** (Nate Sorkin/Environmental Recycling, applicant; Mark Kadrie, property owner) located at 1803 East Rio Salado Parkway #107 in the GID, General Industrial District for:

ZUP07056 Use permit to allow for a recycling business.

PREPARED BY: Shawn Daffara, Planner II (480-858-2284)

REVIEWED BY: Steve Abrahamson, Planning and Zoning Coordinator (480-350-8359)

FINAL REVIEW BY: Lisa Collins, Planning Director (480-350-8989)

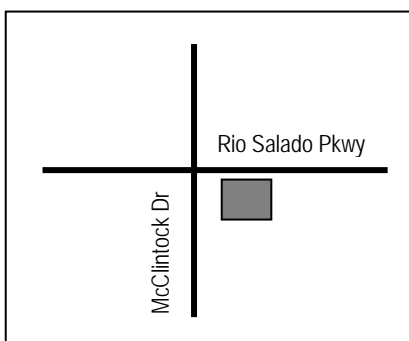
A handwritten signature in black ink, appearing to be 'LC' or similar, located next to the name Lisa Collins.

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval subject to Conditions (1 – 11)

ADDITIONAL INFO: Environmental Recycling is requesting approval of a use permit to allow a recycling collection center located at 1803 East Rio Salado Parkway in the GID, General Industrial District. The proposed business will occupy 2,208 s.f. at the rear (south end) of the property. Staff is recommending approval of the request with conditions. To date, staff has received a signed petition from the applicant with 245 names supporting the request as well as (2) two e-mails of opposition to this request.



ATTACHMENTS:

1. List of Attachments
 2. Comments
 3. Reason(s) for Approval; Conditions of Approval;
 4. History & Facts/Description; Zoning & Development Code Reference
-
- A. Location Map(s)
 - B. Aerial Photo
 - C. Letter of Intent
 - D. Site Plan
 - E. Petition of Support
 - F. Letters of Opposition
 - G. Staff Photographs

COMMENTS:

Environmental Recycling is currently operating at 1803 East Rio Salado Parkway in the GID, General Industrial District. They were given a notice to comply by our Commercial Code Compliance Division on January 26, 2007; requiring them to obtain a use permit to legally conduct this business at the site. The applicant is requesting approval of a use permit to allow a recycling collection center. The proposed business will occupy approximately 2,208 s.f. at the rear of the property under a large metal canopy at the rear of the industrial property.

The site is located east of McClintock Drive and is on the north side of Rio Salado Parkway. Across Rio Salado Parkway is Tempe Marketplace, (RRC) Regional Commercial Center. To the south and east of the site are industrial properties (GID), General Industrial District.

The recycling center specializes in metals such as aluminum, copper, brass and steel. The materials are collected, sorted and placed into one of four storage containers for 3-5 business days until the containers are picked up and replaced with an empty container. Most of the customers reside in Tempe and the operation services between 50-100 customers per day.

Staff requires the business to relocate all equipment, storage, containers further to the east, to satisfy Zoning and Development Code screening requirements. Moving the operations east, the building acts to screen the outdoor storage associated with this business. The portable toilets, illegal signs, and illegal light fixtures shall be removed through conditions of approval to the use permit.

The proposed hours of operation are Monday through Friday from 8:00 AM to 5:00 PM., Saturday from 8:00 AM to 4:00 PM, and closed on Sunday. The business has (4) four full-time employees.

The applicant has provided a signed petition with 245 names supporting the use permit. To date, staff has also received (2) two e-mails of opposition to this request.

Use Permit

The Zoning and Development Code requires a Recycling Center to obtain a use permit in the GID, General Industrial District. This use permit request meets all applicable tests in the following manner:

Evaluating the use permit, the proposal appears to pass the use permit test listed below:

- a. Any significant increase in vehicular or pedestrian traffic in adjacent areas;
 - There will be no significant increase in vehicular or pedestrian traffic in adjacent areas.
- b. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions;
 - This is a recycling center use; there should be minimal nuisances (noise) within this industrially zoned area.
- c. Contribution to the deterioration of the neighborhood or to the downgrading of property values which is in conflict with the goals, objectives or policies for rehabilitation, redevelopment or conservation as set forth in the City's adopted plans, or General Plan;
 - The proposed development would not contribute to neighborhood deterioration or downgrade property values. This use permit request is consistent with the General Plan 2030's Land Use Element. The requested use permit will not be detrimental to the surrounding industrial zoned areas. Compatibility with existing surrounding structures and uses;
 - The proposed use appears to be compatible with surrounding uses.

Conclusion

Staff recommends approval of the use permit.

**REASON(S) FOR
APPROVAL:**

1. Traffic generated by this use should not be excessive.
2. There will be no apparent damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.
3. The use appears to be compatible with the building, site and adjacent properties.

**SHOULD THE HEARING OFFICER ELECT TO TAKE AFFIRMATIVE ACTION ON THE REQUEST, THE
FOLLOWING CONDITIONS OF APPROVAL SHOULD APPLY.**

**CONDITION(S)
OF APPROVAL:**

1. All permits and clearances required by the Building Safety Division shall be obtained prior to the use permit becoming effective.
2. The use permit is not transferable. Should the business be sold, the new owners must reprocess for a new use permit.
3. The use permit is for (metal recycling only).
4. The business operation shall be relocated towards the east, to allow the existing building to screen the equipment, materials, and storage containers. All equipment, materials, and storage containers need to be screened.
5. The use permit is valid for 24 months from the hearing date, the applicant shall return to the Hearing Officer for a review of the use permit before June 5, 2009.
6. The use permit is valid for the plans and business operation as submitted to and approved by the Hearing Officer/Board of Adjustment.
7. Any expansion or intensification of use shall require a new use permit to be approved.
8. If there are any complaints arising from the uses herein permitted that are verified by a consensus of the complaining party and the City Attorneys office, the use permit may be returned to the Board of Adjustment, and another public hearing set to re-evaluate the use permit.
9. All signs must have a required sign permit; or they will need to be removed from the site.
10. The portable toilets on the property shall be removed immediately.
11. The applicant shall meet with City of Tempe Police Department; Crime Prevention unit for a security plan. Please contact Derek Pittam at (480) 858-6341 by June 12, 2007.

HISTORY & FACTS:

October 13, 1975 A-75-10.5: Use Permit approved for automobile repair

May 10, 1976 A-76-5.14: Use Permit approved (change of ownership) for automobile repair

November 23, 1976 No Case #: Use Permit approved for auto/furniture upholstery shop

October 15, 1996 BA960254: Use Permit approved for automobile sales

January 26, 2007 CM070134: Commercial Complaint for recycling business operating without use permit

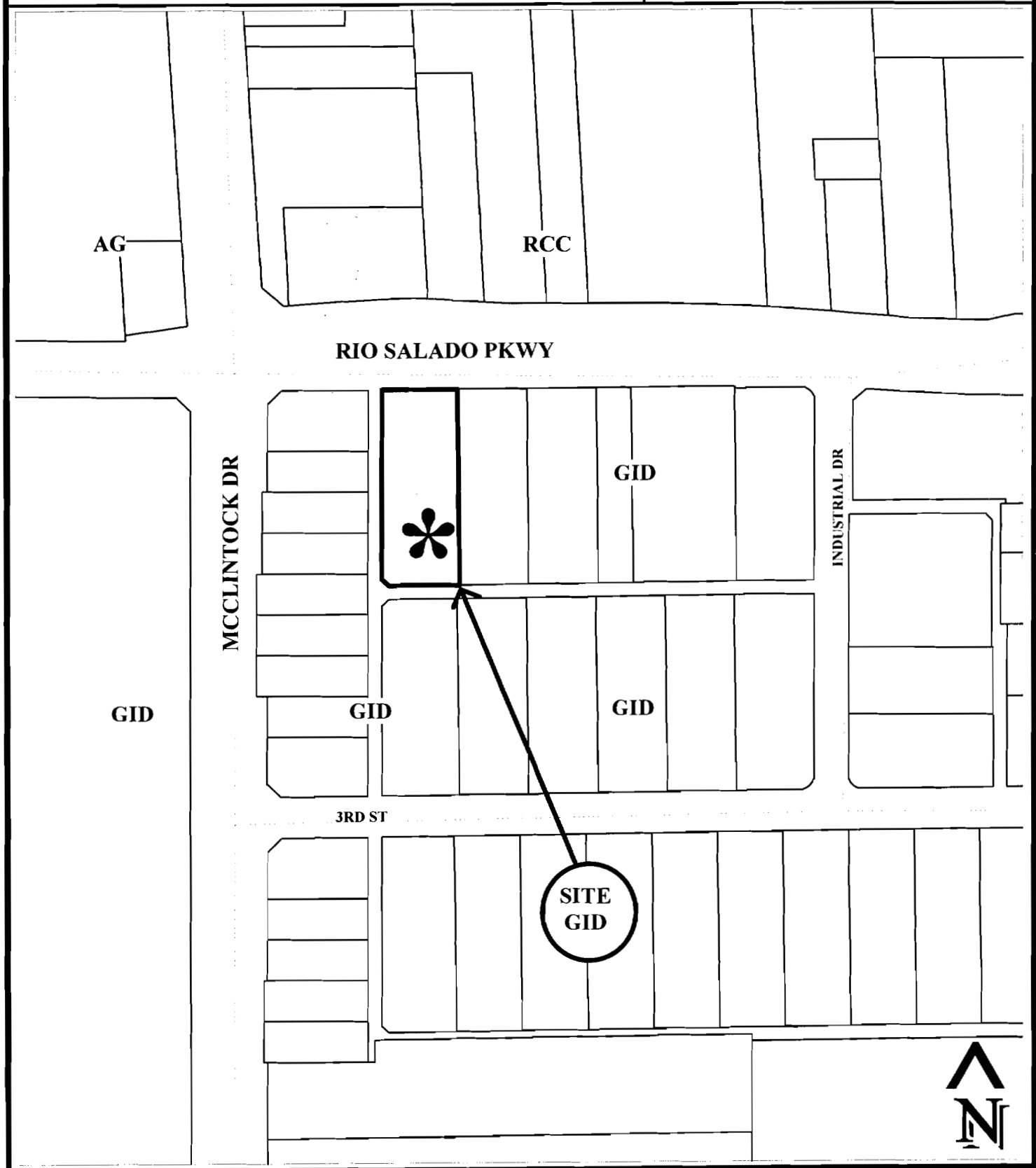
DESCRIPTION:

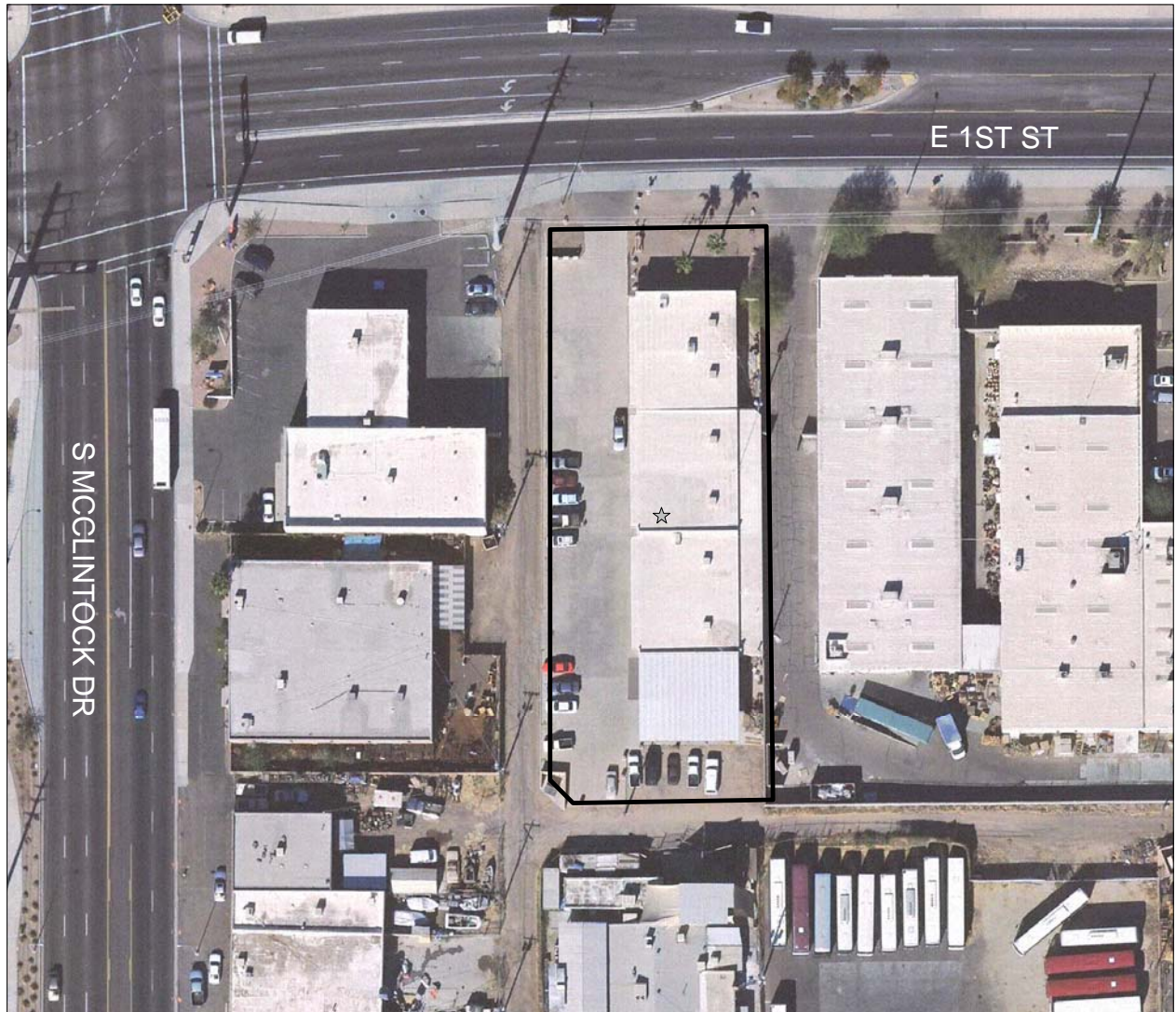
Owner – Mark Kadrie
Applicant – Nate Sorkin/Environmental Recycling
Existing zoning – GID, General Industrial District
Total Site Area – 31,318 s.f. / .71 acres
Total Building Area – 9,000 s.f.
Recycling Collection Area – 2,208 s.f.
Total Parking Required – 26 spaces
Total Parking Provided – 26 spaces

ZONING AND DEVELOPMENT CODE REFERENCE:

Part 3, Chapter 3, Section 3-302
Permitted Uses in Office/Industrial Districts – Table 3-302A –Recycling Collection Center in GID,
General Industrial District requires a use permit;

Part 6, Chapter 3, Section 6-308
Use Permit.

ENVIRONMENTAL RECYCLING**PL070116**



ENVIRONMENTAL RECYCLING (PL070116)

ENVIRONMENTAL RECYCLING

1803 E. RIO SALADO PARKWAY

NUMBER OF EMPLOYEES - 4

OPERATIONAL HOURS

MON - FRI

8:00 AM - 5:00 PM

SAT

8:00 AM - 4:00 PM

SUN

CLOSED

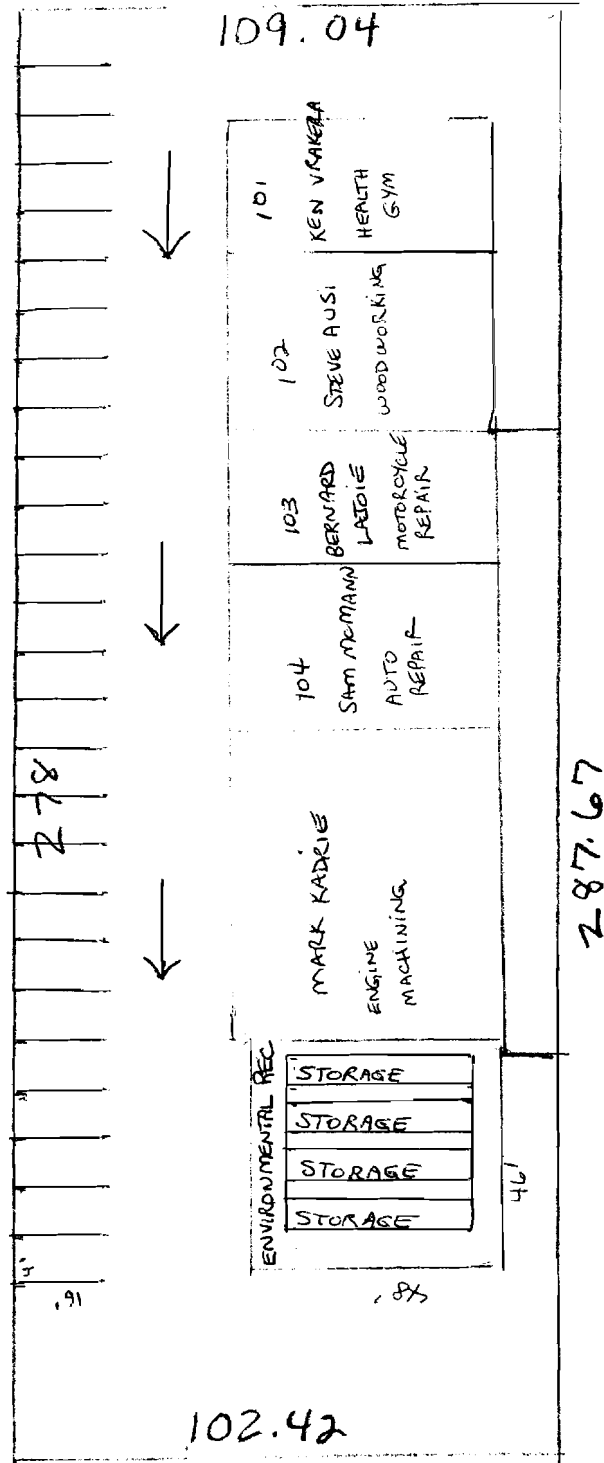
NATURE OF BUSINESS: PURCHASE VARIOUS METALS FOR RECYCLING. MATERIAL TO BE WEIGHED ON A 4' X 4' ELECTRONIC PLATFORM SCALE. METALS WILL CONSIST OF ALUMINUM, COPPER, BRASS, STEEL, ETC. METALS ARE IMMEDIATELY PLACED IN ENCLOSED STORAGE CONTAINER FOR APPROXIMATELY 3-5 DAYS AT WHICH TIME THE CONTAINERS ARE PICKED UP AND REPLACED WITH EMPTY CONTAINERS. FOUR CONTAINERS WILL BE ON THE PREMISES AT ALL TIMES. STORAGE CONTAINERS ARE 8' X 20' IN SIZE. NO MATERIAL CONTAINING TOXIC OR HAZARDOUS WASTE WILL BE ALLOWED ON SITE.

BUSINESS CUSTOMERS ARE PRIMARILY TEMPE RESIDENTS. APPROXIMATELY 50-100 CUSTOMERS WILL BE SERVICED DAILY. THERE ARE 26 PARKING SPACES AVAILABLE FOR CUSTOMER USE. PARKING SPACES ARE 9 FT X 16 FT. SIZE OF BUILDING AREA IS 2208 SQ FT.

ALL NON-FERROUS METALS PURCHASE ARE HANDLED IN ACCORDANCE WITH THE LAWS OF THE STATE OF ARIZONA. ALL NON-FERROUS METALS WITH A VALUE OF \$25.00 OR MORE ARE HELD FOR 7 DAYS.

SCALE 1" = 24 FT.

RIO SALADO



FOR THE ABILITY TO DISPOSE OF
RECYCLABLE MATERIALS IN TEMPE
PETITION IS IN SUPPORT OF ENVIRONMENTAL
RECYCLING CENTER, 1803 E. RIO SALADO
PKWY, TEMPE, AZ SIGNED BY RESIDENTS
AND CUSTOMERS

RECEIVED

07 MAY 11 PM 12:10

TEMPERLEY ENVIRONMENTAL
CENTER

David Carey
Dana Mordich
Bill Zemke

James Key
Jeff Stahly
Mike Bohannon

James Tempe, Az
John

Bob Dunkelberger

Bob
Bob Juntunen

James Smith
Margaret Loran

Phil Wade
Bill Stuel

Phil Stent
David Broader

BOB STONE

J. Lowman
Dick Ray

Harold Smith
Randy Hall

Mr. Wal.
Bryan Blair

Antonio
Linda
Phil
Steve
Chaz Umana

DAVID
DAVID VALDEZ
Enrique Vazquez

Bob
Eric Ed
Marybella Harp

Bob Llan
Dennis Rob
Michelle Aubert

Conna Carr
Mark Ez

Margaret Chaney
Cory Lamer

Alta
Clayton
John Mooney
David Waller
Ann Culbertson

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07 MAY 11 PM 12:10

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JULY 1961
SERVICES DEPARTMENT

Ann Wojcik
Edward Bowman
Lafayette
Steve Peterson
Ruth National
William F. Brown
Gordon Ferguson
Rena Lee Jones
Donald J. Kelly
Jose A. Brito
~~Robert Davis~~
Carlos Torak
Luis Martinez
S. J. Joquin Pison
Luis Mero
John E. Farrell
H. M. Appell
Harley John Buechler
Don Austill
Rocky
Sam Jones
Mary Michelle Gibson
Dennis Marc McGinnis
Donald A. Brown
John B. Brinkley
Mark W. W.
Wanda Kelly
Sandatring
E. H. H.

James Loufer
Thompson
Tom West
Charles T. Brown
Frankie Paulson
LAW RAYFIELD
J. J. J.
Thomas
Haley Gallagher
Raymond E. Jones
J. J. J.
Carol Foster
Buck Kelly
Joe Jones
Bert Rottmann
J. J. J.
J. J. J.
J. J. J.
Vance Victor
etc. Chas
J. J. J.
F. M. H.
Karl H. Keenman
Cosi Williams
L. J. Brown
J. J. J.
John Merrill
Manuel Soto

F4

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GEORGE T. SOLYMASI
Mark M
Nora Linder
C. A. Linder

Jennie Allen

R. V. E. J.

Pete Townsend

Frank Meyer
William De
Shenlon

~~Robert L. Lyle~~
Robert Ambrose
Catherine H. Rye
J. D. O.

Raymond Hunter
Mamie F. Row

Ty E. D. L.
Gardner Lanning
Mrs. C. M.

Samuel M. Towar
Conchita Noriega
F. C. S.
Mary Goyne

~~John~~

~~John~~
John F. Linder
John Linder
Dawn M. Linder
Robert M. Linder
James Linder

John Linder
Dawn M. Linder
Christine Linder
Lynn Linder

Robert Linder
John Linder
Scott Stewart
John Linder

Thompson Linder
John Linder

Glen Linder
Marie Linder
E. Linder
Linda Linder

Daffara, Shawn

From: Howard Gad [hgad@heritagewest.com]

Sent: Friday, May 25, 2007 3:35 PM

To: Daffara, Shawn

Subject: Use Permit ZUP07056

Dear Mr. Daffara,

I am the Trustee for the owner of 1826 and 1830 East Third Street in Tempe which is across the alley and one lot east of the proposed recycling center. I am adamantly opposed to locating a recycling center in this location because of the vagrants and undesirables this type of facility attracts. Vandalism and other property crimes tend to increase near these recycling centers and that is bad for business. The City of Tempe has put forth significant effort and money in upgrading this area with development of the new Tempe Marketplace and other improvements along Rio Salado. There are new industrial buildings going in and others planned near by which will continue to enhance and upgrade this area. Why would the City want to approve a use that tends to pull down and discourage investment in that same area? I hope the City Council sees that approval of this type of use is not in the best interest of the City or neighboring properties. Thank you for the opportunity to respond to this proposal.

Daffara, Shawn

RECEIVED

From: Mike Wallis [mwallis@GVADAUM.com]

07 MAY 29 PM 2:21

Sent: Tuesday, May 29, 2007 2:12 PM

TEMPE-DEVELOPMENT
SERVICES DEPARTMENT

To: Daffara, Shawn

Subject: FW: Use Permit ZUP07056 @ 1803 E. Rio Salado Pkwy #107 Tempe

Mike Wallis

Vice President

(602) 957-7300

(602) 376-2545 Cell

(602) 266-5011 Fax

1702 E. Highland Avenue

Suite 120

Phoenix, AZ 85016

From: Mike Wallis

Sent: Tuesday, May 29, 2007 2:09 PM

To: 'shawn_'

Subject: Use Permit ZUP07056 @ 1803 E. Rio Salado Pkwy #107 Tempe

Dear Shawn, My name is Mike Wallis. I own the office/warehouse building located at 1850 through 1860 E. Third St. in Tempe. I would like to express my objection to having a Recycling Facility in this area of Tempe. My property has been vandalized many times for the sole purpose of obtaining recyclable materials. (copper,brass,aluminum). Typically the thieves are limited bicycle or foot travel and the existence of a ready source to sell there "loot" is certainly not a discouraging factor to their illegal activities. I would hope that the City would do all it can to help improve the area given the New Mall and other projects in the pipeline. Unfortunately a retail recycling business only encourages those who would vandalize and steal to do so if it is convenient, and approval would certainly make it that. Sincerely Mike Wallis 602 376 2545

Mike Wallis

Vice President

(602) 957-7300

(602) 376-2545 Cell

(602) 266-5011 Fax

1702 E. Highland Avenue

Suite 120

Phoenix, AZ 85016



ENVIRONMENTAL RECYCLING

1803 E RIO SALADO PKWY

PL070116

VIEW TO THE SOUTH FROM RIO SALADO PKWY



ENVIRONMENTAL RECYCLING

1803 E RIO SALADO PKWY

PL070116

DROP OFF AREA; VIEW TO SOUTHEAST



ENVIRONMENTAL RECYCLING

1803 E RIO SALADO PKWY

PL070116

RECYCLING CENTER; VIEW TO SOUTH



ENVIRONMENTAL RECYCLING

1803 E RIO SALADO PKWY

PL070116

RECYCLING CENTER; VIEW TO EAST



ENVIRONMENTAL RECYCLING

1803 E RIO SALADO PKWY

PL070116

RECYCLING DROP OFF AREA; VIEW TO EAST